IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 35641 of 2007(R)

(AGAINST THE ORDER IN E.A. 1454/2007 IN E.P. 393/2002 IN O.S. 316/99 OF PRINCIPAL SUB COURT IRINJALAKUDA)

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PETITIONER:

RAJAN, AGED 47, S/O.KUNJAYAPPAN,
PUTHIYEDATH HOUSE, POOPPATHI DESOM,
POYYA VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.V.A.PRADEEP KUMAR.

RESPONDENTS:

ANJALI KURIES & LOANS PVT.LTD.,
LOKAMALLESWARAM VILLAGE,
LOKAMALLESWARAM DESOM, KODUNGALLOOR TALUK,
REPRESENTED BY MANAGING DIRECTOR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.35641 OF 2007

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Dated this the 1st day of December 2007

JUDGMENT

This writ petition is preferred against the order of the Munsiff's Court, Irinjalakkuda whereby in execution of the decree the present petitioner is ordered to be arrested and detained in civil prison. He is a teacher by profession. He is only a surety to the transaction and it is submitted that no action is taken against the principal borrower. It is submitted that he does not evade payment, but his salary is not sufficient enough to pay the amount in lump. Therefore he prays for some indulgence and requests the court to give a breathing time to wipe off the entire liability. There is some force in the said contention. Therefore I am inclined to dispose of the writ petition as follows:(1) The petitioner is directed to pay the amount due in six equal monthly instalments commencing from 5.1.2008.(2) If he commits default in payment of the first instalment or two consecutive instalments thereafter, he shall forfeit the benefit given under this judgment.(3) In the light of the said facility extended, he shall not be

arrested and detained in civil prison till that period.

M.N.KRISHNAN, JUDGE

Cdp/-